

ADM-11.14, "Employee Participation in Academic Courses," July 1, 2004

SCDC POLICY/PROCEDURE

NUMBER:ADM-11.14

TITLE:EMPLOYEE PARTICIPATION IN ACADEMIC COURSES

ISSUE DATE: JULY 1, 2004

RESPONSIBLE AUTHORITY:DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL:ADMINISTRATION

SUPERSEDES: ADM-11.14 (November 1, 2002)

RELEVANT SCDC FORMS/SUPPLIES: NONE

ACA/CAC STANDARDS: 4-ACRS-7B-19, 3-4090, 3-4091

STATE/FEDERAL STATUTES: NONE

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To provide guidelines for employees desiring to attend educational classes/courses during working hours; for employees required to attend educational courses by the Agency; and for employees desiring tuition reimbursement.

POLICY STATEMENT: In order to uphold the Agency's commitment to the professional development of its employees, the SCDC will encourage employees to further their education. Should enrollment in educational courses conflict with an employee's work schedule, the Agency will, to the extent possible, work with the employee to accommodate scheduling conflicts, provided that the appropriate approvals are received and that the employee's participation and/or enrollment will serve to benefit the Agency.

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### SPECIFIC PROCEDURES:

1. TIME OFF FOR EDUCATIONAL PURPOSES - EMPLOYEE REQUESTS TO ATTEND EDUCATIONAL CLASSES/COURSES: Whenever possible, employees are encouraged to schedule classes during off-duty hours. When a desired class cannot be scheduled during off-duty hours, the following options may be taken: (4-ACRS-7B-19, 3-4090, 3-4091)

1.1 Adjust Employees Work Schedule: The Agency may elect to adjust the employees work schedule, within the respective work cycle, if doing so will not interfere with the normal efficient operations of the SCDC. Any request for revised work schedules for educational purposes must be submitted in writing and approved in advance by the employees supervisor, the responsible Warden or Division Director, and the appropriate member of the Director's staff.

1.2 Annual Leave: The employee may, upon the approval of his/her supervisor, elect to take accrued annual leave to attend educational classes. Refer to SCDC Policy/Procedure ADM-11.08 regarding "Employee Leave" (or annual leave) for additional information.

1.3 Leave Without Pay for Educational Purposes: (NOTE: This option is only available for permanent full-time employees who have satisfactorily completed at least 12 months of continuous state service during the current period of employment.) When a desired class cannot be scheduled during off-duty hours and it is not feasible to adjust an employees work schedule or the employee does not have sufficient annual leave, a permanent full-time employee may be authorized to be granted leave without pay in order to attend educational classes provided that s/he receives the approval of his/her immediate supervisor, the responsible Warden or Division Director, the appropriate member of the Director's staff, the Division Director of Human Resources or designee, and, finally, the Agency Director. Should the employee desire to take leave without pay for educational purposes, the following procedures must be followed:

1.3.1 The employee must submit a letter of request through his/her supervisor, the responsible Warden or Division Director, the appropriate member of the Director's staff, and the Division Director of Human Resources, to the Agency Director at least 60 days before the first day of desired leave without pay or within five (5) days of notification of acceptance for admission by the school, whichever is later. At a minimum, the request must include the following:

- The type, purpose, and duration of the leave of absence without pay requested;
- An attached copy of the letter of acceptance from the school for which leave will be taken; and
- Appropriate justification for the leave without pay request, i.e., how the employees educational attendance would benefit the Agency, and any other information that the employee feels will assist the reviewing authorities in reaching a determination.

1.3.2 The Agency Director is authorized to approve educational leave without pay only when it will be to the advantage and benefit of the SCDC. Leave may be approved for the length of the school term or terms requested up to a maximum of 12 months. Notification of approval will be made to the employee in writing by the appropriate member of the Director's staff, Warden, or Division Director. If possible, notification will be made no later than 21 days prior to the first day of requested leave without pay. At the end of the leave without pay period, the Agency Director may renew the employees leave for a period not to exceed 12 additional months upon the request of the employee and the concurrence of the employees immediate supervisor, the responsible Warden or Division Director, and the appropriate member of the Director's staff.

1.3.3 An employee who has been approved for leave without pay for education purposes will retain all rights and privileges of employment with the State of South Carolina with the following exceptions:

- No salary increases may be authorized for any employee on full-time educational leave without pay. The scheduled review date for increases will be extended in accordance with the Agency policy and procedures related to employee classification and pay. Upon returning to work, the employee will receive legislative general increases or increases resulting from band reallocation of the classification to which the employee was assigned at the time leave without pay was granted.
- No annual leave, holiday, or overtime will be accrued by an employee who is on full-time educational leave without pay. However, accrued annual and sick leave balances will be carried over until the employee returns to work.
- The employees state service, continuous service, and, if applicable, security service dates will be adjusted by one (1) day for each day in leave without pay status in excess of 10 working days.
- The employee will be permitted to retain his/her health, dental, life, and dependent life benefits; however, s/he will be required to pay both the employee and employer portion.
- No retirement time will be earned; however, upon returning to work, the employee may submit a request to the South Carolina Retirement System to purchase the service time.

1.3.4 Upon an employees return from educational leave without pay, the Agency will restore the employee to his/her former position, or to a position of like status and pay. Consistent with SCDC Policy/Procedure ADM-11.05, "Reduction in Force," if the Agency experiences a reduction in force while the employee is on approved educational leave without pay status, s/he will be considered on the same basis as all other employees.

## 2. TIME OFF FOR EDUCATIONAL PURPOSES - AGENCY REQUIRED EDUCATIONAL COURSES:

If the Agency requires an employee to take a specific educational course(s) to improve the employees performance or to benefit the SCDC, the Agency may pay all costs of the course(s) and may elect not to charge the employee leave for attending the required course(s). If an employee is required to attend an academic course related to his/her present job assignment during his/her working hours, the employees supervisor must receive written approval from the appropriate Warden or Division Director and from the appropriate member of the Director's staff prior to authorizing the employee to attend the course(s).

3. TUITION REIMBURSEMENT: 3.1 Eligible Employees: Only those employees in a permanent full-time or temporary grant position with at least 12 months of state service are eligible for any tuition assistance. A full-time employee, for purposes of this procedure, must be scheduled to work at least 30 hours per week to be eligible.

3.2 Tuition reimbursement will only be provided to employees who attend South Carolina institutions of higher learning. (NOTE: High school and GED programs are excluded.) Courses must be taken for academic credit, but do not have to be taken toward the completion of a degree. (4-ACRS-7B-19, 3-4091)

3.3 Approval Process: Members of the Director's staff, Division Directors, and Wardens are authorized to submit written requests for tuition reimbursement to the Division Director of Human Resources or designee. An explanation of need, requirement, mandate, and/or purpose of program must be included in the request. The number of potential participants and the selection method must also be included. (NOTE: Adequate funding for courses must be available for reimbursement. Should funds not be available, or if this program is discontinued for any reason as determined by the Agency or the State, employees will not receive reimbursement.) Completed requests will be submitted through the Division Director of Human Resources and the Division Director of Budget and Finance or their designees to evaluate compliance with state and federal guidelines and regulations. Additional information may be requested as required. Upon evaluation, proposals will be routed to the Director for Administration for final approval by the Agency Director. The requesting member of the Director's staff, Division Director, or Warden will be notified of program approval or disapproval by the Division Director of Human Resources or designee. Upon request, additional information may be required for approved plans to identify eligible participants prior to approval of any courses for individual participants. Approval will only be granted for the current fiscal year. Requests must be submitted respectively each fiscal year, as funds are available.

3.4 Items Not Eligible for Reimbursement: Any expenses outside the cost of the course itself will not be reimbursed by the Agency. Examples of these items include application fees, books, lab fees, paper, diskettes, or other materials.

3.5 Reimbursement of Tuition Costs: Reimbursement will only be made to eligible employees. The appropriate member of the Director's staff, Division Director, or Warden administering the plan will ensure compliance with these procedures and any funding restrictions, limitations, and eligibility requirements.

3.5.1 Full Reimbursement: The Agency may provide full reimbursement to employees who are required to attend and take course work for continued certification or licensure (such as education, CPA, pharmacy, etc.) provided that:

- the employee has requested, in writing, in advance of registering for the course and receives written approval by the appropriate supervisor; (Employees will be required to sign a memorandum stating that they have been provided a copy of this policy/procedure.)
- the employee passes the course or receives a "complete" in the case of courses taken for credit; and
- funding is available and approved for distribution to the employee.

Courses taken beyond the requirement for such certification will not be reimbursed. (For example, a teacher may only be reimbursed for a total of six [6] credit hours within a five [5] year period as required by the State Department of Education.) Employees will be responsible for payment of any income taxes related to

reimbursement of tuition assistance. Employees will ultimately be responsible for determination of their tax liability.

3.5.2 Partial Reimbursement: The Agency may develop a plan for partial reimbursement to employees who attend and take course work for undergraduate or graduate degrees. This plan will be in accordance with both state and Agency regulations and will only be communicated and implemented as funding permits for each individual fiscal year.

3.5.3 Receipt of Reimbursement: To receive reimbursement, employees must submit a copy of the course schedule fee charged by the school, a dated receipt showing the date and amount paid, and the course grade or completion certificate as required. Reimbursement for tuition payments determined to be tax-exempt will be processed by Purchase Order. The appropriate member of the Director's staff, Division Director, or Warden must process all such reimbursement requests in accordance with instructions provided by the Chief, Financial Accounting Branch. A copy of the original approval for tuition reimbursement must be attached to each receipt. The request for reimbursement must be received by the employees supervisor within 90 days from the completion of the course. Employees terminating their employment with the SCDC while taking a course or prior to submitting the request for tuition reimbursement form will not receive reimbursement. Reimbursement for tuition assistance will be coordinated by the Division Director of Human Resources or designee upon successful completion of the course.

3.5.4 The Department of Corrections reserves the right to discontinue reimbursement of tuition costs as identified above, at any time, or when funds are unavailable. Exceptions to this policy and procedure can only be approved by the Agency Director in accordance with state regulations.

#### 4. DEFINITIONS:

Academic Course or Program refers to a course of instruction conducted by an academic institution (public school, college, university, or technical education center) for which the participant receives academic credit from that education institution. Continuing Education Units (CEUs) are not considered academic credit.

Leave Without Pay for Educational Purposes refers to full or part-time leave in a non-paid status requested by an employee so that the employee may further his/her education. Such leave must be approved by the employees supervisor, responsible Warden or Division Director, and the appropriate member of the Director's staff. Only permanent employees who have satisfactorily completed at least 12 months of continuous state service are eligible to apply for educational leave without pay.

SIGNATURE ON FILE

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s/Jon E. Ozmint, Director

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